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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)
0230-0169P

In re Application of: **Shiken SHA et al.**

Application No.: **09/937,905-Conf. #5513**

Filed: **October 1, 2001**

For: **NOVEL PROTEINS, GENE ENCODING THE SAME AND METHOD OF UTILIZATION
THEREOF**

The owner*, Japan Tobacco Inc., of 100
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of
any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any
patent granted on pending reference Application Number 10/381,710, filed on July 17, 2003,
as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may
be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner
hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it
and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on
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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant
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1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on
information and belief are believed to be true; and further that these statements were made with the knowledge that willful false
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 40,069


Signature

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Date

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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